

UNITED STATES COURT OF APPEALS

DEC 3 1997

TENTH CIRCUIT

PATRICK FISHER
Clerk

CHARLES ROSS MANGRUM and
ALAN MONTIERTH,

Plaintiffs-Appellants,

v.

U.S. WEST COMMUNICATIONS
SERVICES, a Colorado Corporation;
COMMUNICATIONS WORKERS OF
AMERICA, a labor organization;
COMMUNICATIONS WORKERS OF
AMERICA DISTRICT 7, an
administrative unit of a labor
organization; and COMMUNICATIONS
WORKERS OF AMERICA LOCAL NO.
7704, a unit of a labor organization,

Defendants-Appellees.

No. 96-4164

(D.C. No. 95-CV-587)
(UTAH)
(961 F. Supp. 1510)

ORDER AND JUDGMENT*

Before BALDOCK and BRORBY, Circuit Judges, and BROWN, Senior District Judge.**

Plaintiffs Charles Mangrum and Alan Montierth brought consolidated actions

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

** The Honorable Wesley E. Brown, Senior United States District Judge for the District of Kansas, sitting by designation.

against Defendants U.S. West Communications and Communications Workers of America, alleging violations of § 301 of the Labor Management Relations Act. Plaintiffs, both union members and employees of U.S. West, claimed that U.S. West breached the collective bargaining agreement and the Union breached its duty of fair representation in a dispute over Plaintiffs “primary reporting place.” Plaintiffs also claimed intentional infliction of emotional distress. In a thorough opinion, the district court granted both Defendants summary judgment on all claims. Mangrum v. U.S. West Communications, Inc., 961 F. Supp. 1510 (D. Utah, 1996). Plaintiffs appeal. We review the district court’s grant of summary judgment de novo and apply the same standard as the district court under Fed. R. Civ. P. 56(c). Taken v. Oklahoma Corp. Comm’n, 125 F.3d 1366, 1368 (10th Cir. 1997).

We have reviewed the parties’ briefs, pleadings, affidavits, and the entire record before us. We believe the district court properly granted summary judgment to Defendants, and affirm substantially for the reasons set forth in its Memorandum Decision and Order Granting Defendants’ Motions for Summary Judgment.

AFFIRMED.

Entered for the Court,

Bobby R. Baldock
Circuit Judge